THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 17199 of 2005

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DATED: 8TH SEPTEMBER, 2005

Between:

M.Narayana, s/o M.Narayanappa, aged 57 years, working as Assistant Engineer, S.R.B.C. office, Sub Division No:1, Panyam, Kurnool District.

PETITIONER

AND

1. The Secretary, Government of A.P. Irrigation Dept. Secretariat Buildings, Hyderabad and another.

RESPONDENTS

JUDGMENT: (Per the Honourable Smt. Justice T.Meena Kumari)

The writ petition is filed by the petitioner against the order of the Tribunal passed in O.A.No:3063 of 1992 on 8.2.2005.

The facts led to the filing of this writ petition are: Challenging the action of the respondents in not giving promotion to the petitioner as Assistant Engineer in Zone IV with effect from the date on which the others were promoted in the year 1985 as illegal and arbitrary, the petitioner has raised a dispute before the tribunal by way of O.A.3063 of 1992. The tribunal having observed that no junior to the petitioner was given promotion and in view of the date of final order i.e., February 1991, the petitioner has to approach the tribunal within the period of limitation of one year, but the petitioner has no specific plea to condone the delay, dismissed the O.A. Having aggrieved by the same, the present writ petition is preferred by the petitioner.

Heard the learned counsel.

It is submitted by the learned counsel for the petitioner that in view of the order passed by the respondents on 14.2.1991, the case of the petitioner has to be considered for notional promotion. It is further submitted that 18% quota is meant for Assistant Engineers for promotion in Zone IV, but this aspect has also not been considered by the tribunal.

It is lastly contended that in the first instance, as no final order has been passed recording the claim of the petitioner, he approached the authorities by way of representations and having waited for sufficient time from the date of last representation i.e., 23.12.1991, he has approached the Tribunal and therefore, the provisions of section 21 (b) of the Tribunal Act, will be applicable to the case of the petitioner.

It is vehemently contended that the tribunal has not considered the merits of the case in a proper perspective, but it has dismissed the O.A. solely on the ground

of limitation, which is in violation of 21 (b) of the Tribunal Act.

Considering the representations of the petitioner and in the light of the provisions of section 21 (b) of the Tribunal Act, We feel that it is a fit case wherein the matter can be remitted back to the Tribunal to consider the matter afresh on its own merits. Consequently, the order of the tribunal is set aside and the matter is remitted back to the Tribunal for fresh disposal on its own merits in accordance with law within a period of six (6) months from the date of receipt of a copy of this order.

Accordingly, this writ petition is allowed.

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(T.Meena Kumari, J)

8th September, 2005

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(P.Lakshmana Reddy, J)

Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No: 17199 of 2005

(Judgment delivered by Smt. Justice T.Meena Kumari)

8TH SEPTEMBER, 2005